

IN THE BOARD OF SUPERVISORS  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 2016

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. \_\_\_\_\_

RESOLUTION OF INTENTION TO SURPLUS AND SELL  
AND AUTHORIZING EXECUTION OF QUITCLAIM DEEDS FOR SALE OF  
SURPLUS COUNTY OWNED PROPERTY  
IN THE UNINCORPORATED AREA OF SAN LUIS OBISPO COUNTY

The following resolution is hereby offered and read:

WHEREAS, the County of San Luis Obispo (the “County”) currently owns real property totaling approximately 0.77 acres of vacant agricultural land surrounded by private ownership, located in an unincorporated area of San Luis Obispo County adjacent to the southwestern Atascadero city limits, known as Assessor’s Parcel Numbers 051-491-002, 051-521-003 and 051-521-002 (hereinafter, “County Property”); and

WHEREAS, the County Property is located in the Agricultural land use category within the Salinas River sub-area of the North County Planning Area; and

WHEREAS, the County’s Parks and Recreation Element does not recognize these lots and does not call out a future recreational use or purpose for these lots because: 1) their small sizes do not allow for any significant recreational opportunities; 2) they are landlocked with no available public access; 3) they are within the proposed Eagle Ranch Specific Plan and are surrounded by private ownership; and 4) the Eagle Ranch Specific Plan, if approved by the City of Atascadero, includes a new 10-acre park and public trails; and

WHEREAS, the Eagle Ranch Specific Plan proposes the annexation to the City of Atascadero of approximately 3,450 acres of undeveloped land located adjacent to the City’s southwestern boundary. The majority of the site is part of the historic Atascadero colony and contains approximately 452 undeveloped Colony Lots and a network of unbuilt Colony road (E.G. Lewis 1914 Atascadero Colony Map); and

WHEREAS, the Eagle Ranch Specific Plan proposes reconfiguring these existing lots and roadways, and will identify a variety of land uses including housing, commercial uses, parks, trails, open space, and tourist-serving facilities; and

WHEREAS, as part of the Eagle Ranch Specific Plan and annexation process, the City of Atascadero

requested the developer to extinguish all of the existing Colony Lots concurrent with recordation of the new final map; and

WHEREAS, the County and the City of Atascadero entered into a Memorandum of Agreement (“MOA”) on June 24, 2003 which identifies the City of Atascadero as the “lead agency” having jurisdiction over preparation of the Eagle Ranch Specific Plan and associated CEQA review; and

WHEREAS, the County Property consists of three (3) parcels that are all a part of the 1914 Colony Lots; and

WHEREAS, two (2) of the County Property parcels (APNs: 051-491-002 and 051-521-003) are in Park and Creekway reservations, which are subject to development restrictions per City of Atascadero Land Use Park and Creekway Reservation Policy; and

WHEREAS, the third County Property parcel (APN: 051-521-002) is a very small, legal parcel created through a historical deed in 1947; and

WHEREAS, the surplus of the County Property is intended for sale to the owner of the surrounding property for incorporation into the larger Eagle Ranch subdivision; and

WHEREAS, the County Property is no longer necessary for County use; and

WHEREAS, the County has given notices to other government agencies of the availability of the County Property pursuant to Government Code Section 54220 et. seq., and no agencies expressed an interest in the property; and

WHEREAS, Government Code Section 25526 provides that County-owned real property may be sold in accordance with the provisions of said code section after the adoption of a resolution by two-thirds vote of the members of the Board of Supervisors declaring the Board’s intention to surplus and sell said property; and

WHEREAS, Government Code Section 25526.5 provides that when the Board declares its intention to surplus and sell said property, and the property’s estimated value does not exceed twenty-five thousand dollars (\$25,000), the County may quitclaim the real property as a sole source sale without a public auction; and

WHEREAS, based upon recent appraisals conducted of the County Property, the Central Services Department recommends a sale to Eagle Ranch, LLC, a California Limited Liability Company, at a sales price of nine thousand four hundred dollars (\$9,400) cash, subject to the conditions set forth in the Real Property Purchase Agreement entered into by and between the County and Eagle Ranch, LLC, a California Limited Liability Company; and

WHEREAS, the County of San Luis Obispo Department of Planning and Building on October 8, 2015 determined that the County’s surplus and sale of County Property is in conformity with the County’s General Plan and said General Plan Conformity Report DTM2015-00001 was approved by the County Planning Commission on October 22, 2015; and

WHEREAS, the County of San Luis Obispo Department of Planning and Building issued a Categorical Exemption citing Section 15312, Class 12 on the basis that Class 12 consists of sales of surplus government property except for parcels of land located in an area of statewide, regional, or area wide concern identified in Section 15206(b)(4), and said determination was filed on October 27, 2015 and certified as Environmental Determination 15-088; and

WHEREAS, it is in the public interest to surplus and sell the County Property.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California as follows:

1. Pursuant to Government Code 25526 the Board finds the County Property and all interests to be deeded are not required for County use and declares its intent to surplus and sell the County Property to Eagle Ranch, LLC, a California Limited Liability Company, at a sales price of \$9,400.
2. Pursuant to Government Code Section 25526.5, that the real property described in Exhibit "A" is hereby sold to Eagle Ranch, LLC, a California Limited Liability Company for \$9,400.00 and the Chair of the Board of Supervisors is hereby authorized and directed to execute three (3) Quitclaim Deeds for said real properties to the above designated purchaser.
3. The Director of Central Services, or his/her designee, is authorized to take all such further actions as may be necessary to complete the sale of the County Property, does hereby consent to the recordation of the three Quitclaim Deeds for the County Property as described above and in the Real Property Purchase Agreement, and directs the Clerk of the Board to record the Quitclaim Deeds.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

The foregoing resolution is hereby adopted:

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Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

BY: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT

RITA L. NEAL

County Counsel

By: Sharon G. Matuszewicz  
Deputy County Counsel

Dated: December 18, 2015

**EXHIBIT “A**  
**Legal Descriptions**

APN 051-491-002:

Park Reservation B, Block 61, Atascadero Colony, Book AC of Maps, Page 87.

APN 051-521-003:

Portion of Park Reservation A, Block 62, Atascadero Colony, Book 3AC of Maps, Page 89.

APN 051-521-002:

Portion of Lot 34, Block 62, Atascadero Colony, Book 3AC of Maps, Page 89.